IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2065 of 2005

Between:

T. Appa Rao, S/o. Narayana,
R/o. H.No.2-54, Tallada Post and Mandal,
Khammam District.

..... PETITIONER

AND

1 The Vice Chairman & Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC, Khammam, Khammam District.
3 The Regional Manager, APSRTC, Khammam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent Corporation i.e., Respondent No.3 issuing the tender notification No.C/122(2)/2005-RM Khammam, dt. 19.01.2005 calling tenders to run the Soda, Cool Drinks and Juice Stall-II in Open space at Tallada APSRTC, bus station as sl.no.51, in the present notification while the subject matter is pending in w.p.no.2853/2004 as illegal and void, and opposed to Article 14, 19, 21 and 300-A of Constitution of India and consequently to set aside the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.MUMMANENI SRINIVASA RAO

Counsel for the Respondents: SMT.P.RAJANI REDDY

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 2065 of 2005

O R D E R:

Challenging the action of the respondent-Corporation in issuing the tender notification dated 19.1.2005 calling for tenders to run the Soda, Cool drinks and Juice Stall-II in open space at Tallada APSRTC Bus Station at Sl.No.51 as illegal and void, the present writ petition is filed.

The petitioner was allotted a shop for a period of three years in 2001 for running Soda, Cool Drinks and juice stall and the permission had to be ended on 16.2.2004. However, the respondent-corporation issued a circular dated 29.10.2003 by extending the permission of all stalls, rooms and canteens and ETCs for a total period of six years. The grievance of the petitioner is that the said benefit was not extended to him and he filed W.P. 2853 of 2003 and by virtue of status quo orders he is continuing the business, but the respondents have issued notification inviting tenders for allotment of Stall-II. Hence the present writ petition.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner cannot have any right to challenge the tender notification. At best he can contend that his case was discriminated and that there was unfair action on the part of the respondents. With regard to setting up of another stall for the same purpose, a copy of the agreement executed by the petitioner and the Dy. Chief Traffic Manager, APSRTC is made available for perusal of this court by the learned counsel for the respondents. As per Clause

27 of the said agreement the allotment of canteens, stalls, shops etc. shall be on non-exclusive basis i.e. the respondent-Corporation shall have right to grant licence to more than one person to do same type of business in the same premises. Having accepted the same, now the petitioner cannot challenge the impugned notification.

The writ petition is totally devoid of merit and it is accordingly dismissed.

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K.C. Bhanu, J.

Date:21--03—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Vice Chairman & Managing Director, A.P. State Road Transport Corporation, Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC, Khammam, Khammam District.
3 The Regional Manager, APSRTC, Khammam, Khammam District.

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